

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.204.401 fees, 24.204.404) ON PROPOSED AMENDMENT
permit fees, 24.204.408 applications, and)
24.204.511 examinations)

TO: All Concerned Persons

1. On November 29, 2007, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Radiologic Technologists (board) no later than 5:00 p.m., on November 21, 2007, to advise us of the nature of the accommodation that you need. Please contact Helena Lee, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2385; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.204.401 FEE SCHEDULE (1) Fees shall be transmitted by money order, ~~or electronic payment, or~~ check payable to the Board of Radiologic Technologists. The board assumes no responsibility for loss in transit of such remittances. All fees are nonrefundable.

(a) Application fee - radiologic technologist (includes issuance of temporary permit if requested)	\$60
(b) Original certificate <u>license</u> fee	30
(c) and (d) remain the same.	

AUTH: 37-1-131, 37-1-134, 37-14-202, MCA

IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

REASON: The board determined it is reasonably necessary to amend this rule to facilitate the state of Montana's on-line renewal process, which allows for credit card and e-check processing. In the future, the board anticipates the use of a virtual cashier for credit card payments of application fees. The board is also amending this rule to simplify grammar and change "certificate" to the proper term "license."

24.204.404 PERMIT FEES

- (1) remains the same.
- (2) ~~State~~ Combined examination fee and reexamination fee 15
- (3) Original ~~certificate~~ license fee 40
- (4) and (5) remain the same.

AUTH: 37-1-131, 37-1-134, 37-14-202, 37-14-306, MCA

IMP: 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

REASON: The board is amending this rule to clarify that the combined examination is a state administered examination and for consistency among all references to the examination in board rule. It is also reasonably necessary to amend this rule to change "certificate" to the proper term "license."

24.204.408 RADIOLOGIC TECHNOLOGISTS APPLICATIONS

- (1) Applications shall be made on printed forms provided by the department and signed by the applicant, ~~with the signature acknowledged before a notary public.~~
- (2) The application must be ~~typed or legibly written in ink~~ complete, accompanied by the appropriate fee(s), and contain sufficient evidence that the applicant possesses the qualifications set forth in Title 37, chapter 14, MCA, and rules promulgated thereunder.
- (3) through (5)(b) remain the same.
- (c) original ~~certificate~~ license fee; and either:
- (d) through (6) remain the same.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-302, 37-14-305, MCA

REASON: The department has determined and the board agrees that the requirement for applications to be notarized is not necessary. In anticipation of and to further facilitate the online submission of license applications, the board will no longer require the signature or content to be notarized on any application. The board is also amending this rule to change "certificate" to the proper term "license."

24.204.511 PERMIT EXAMINATIONS (1) remains the same.

- (2) In addition to the ARRT limited scope core examination, ~~40-hour~~ 88-hour course graduates shall complete a module examination for selected anatomic regions in which the applicant desires to be permitted.
- (a) and (b) remain the same.
- (3) "~~State~~ Combined examination" as used in this rule means the examination consisting of abdomen (AB), gastrointestinal tract (GI) (postfluoroscopy films only), and hip and pelvis examinations.
- (4) Applicants may review their state combined examination with administrative staff for the board at the board office or at an approved site designated by the board.
- (5) A nonrefundable fee will be assessed for the combined examination. After failing the combined examination, the applicant will be required to submit another state combined examination retake fee.

(6) remains the same.

(7) Student permit applicants (having completed two semesters or its equivalent from a radiologic technology program accredited by a mechanism recognized by the ARRT) are only required to take the ARRT limited scope core examination. If student permit applicants ~~who~~ fail the ARRT limited scope core examination on two attempts they shall retake:

(a) through (c) remain the same.

(8) Temporary permit applicants (graduates of a radiologic technology program accredited by a mechanism recognized by the ARRT) who have failed the ARRT radiologic technologist examination ~~three~~ four times shall take:

(a) through (10) remain the same.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-1-131, 37-14-306, MCA

REASON: It is reasonable and necessary to amend this rule to clarify that the combined examination is a state administered examination and for consistency among all references to the examination in board rule. The implementation cites are being amended to accurately reflect all statutes implemented through the rule.

The board is also amending this rule to be consistent with the American Registry of Radiologic Technologists (ARRT) examination guidelines and to clarify that graduates of the 88-hour course must complete a module examination for selected anatomic regions in which the applicant desires to be permitted. This amendment clarifies that the 48-hour course requirements comprised within each limited x-ray procedure, as identified in ARM 24.204.507(3)(a) through (g) are not included with the 40-hour fundamental course approved by the board. The reference in this rule was inadvertently omitted from MAR Notice No. 24-204-32 when other references were amended.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdrts@mt.gov, and must be received no later than 5:00 p.m., December 7, 2007.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.radiology.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Radiologic Technologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all Board of Radiologic Technologists administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlbsdrts@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

BOARD OF RADIOLOGIC
TECHNOLOGISTS
ANNE DELANEY, R.T., CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 29, 2007